

1 Nicholas P. Roxborough, Esq. (Bar No. 113540)  
2 Michael L. Phillips, Esq. (Bar No. 232978)  
ROXBOROUGH, POMERANCE & NYE LLP  
5820 Canoga Ave., Suite 250  
Woodland Hills, California 91367  
Telephone: (818) 992-9999  
Facsimile: (818) 992-9991  
E-Mail: [npr@rpnlaw.com](mailto:npr@rpnlaw.com)  
[mlp@rpnlaw.com](mailto:mlp@rpnlaw.com)

6 Attorneys for Plaintiffs/Counter-Defendants, LARGO CONCRETE, INC. and N.M.N. CONSTRUCTION, INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

10 LARGO CONCRETE, INC., a California  
11 Corporation; N.M.N. CONSTRUCTION,  
INC., a California Corporation.

Case No. C07-04651 CRB (ADR)  
*The Hon. Charles R. Breyer*

**STIPULATION AND NOTICE OF:**

**1. CONTINUED HEARING ON  
LIBERTY MUTUAL'S MOTION  
TO DISQUALIFY ROXBOROUGH,  
POMERANCE, & NYE, LLP;**

Current Hearing Date: 12/14/07  
Proposed New Hearing Date: 12/21/07

#### Defendants.

#### AND RELATED COUNTERCLAIM

Complaint filed: September 10, 2007

[Pursuant to Civil L.R. 7-7]

Pursuant to Civil Local Rules 7-7 and 7-12 Plaintiffs/Counter-Defendants

24 LARGO CONCRETE, INC. and N.M.N. CONSTRUCTION, INC ("Largo") and  
25 Defendant/Counter-Claimant LIBERTY MUTUAL FIRE INSURANCE COMPANY  
26 ("Liberty"), by and through their counsel, this Stipulation is entered into with respect to  
27 the following facts:

1        WHEREAS, on October 23, 2007, Liberty filed a Motion to Disqualify  
2 Roxborough, Pomerance & Nye, LLP from representing Largo in this matter;

3        WHEREAS, Liberty's motion is currently set for hearing before this Court on  
4 December 14, 2007;

5        WHEREAS, the parties are working together to conduct the depositions of  
6 individuals providing evidence regarding the issues raised in Liberty's Motion to  
7 Disqualify Roxborough, Pomerance & Nye, LLP from representing Largo in this matter;

8        WHEREAS, Lisa Kralik Hansen, an individual providing a declaration in support  
9 of Liberty's motion, is unavailable to appear for deposition until the week of November  
10 26, 2007;

11      WHEREAS, Largo desires to take the deposition of Lisa Kralik Hansen prior to  
12 filing their Opposition to Liberty's Motion to Disqualify Roxborough, Pomerance &  
13 Nye, LLP from representing Largo in this matter;

14      WHEREAS, Liberty may need to depose the individuals who provide declarations  
15 in support of Largo's Opposition to Liberty Motion to Disqualify, prior to the filing of its  
16 Reply Brief

17  
18      For these reasons, IT IS HEREBY STIPULATED by the parties, through their  
19 respective counsel of record, that the Court enter an Order as follows:

20           A.     The hearing on Liberty's Motion to Disqualify Roxborough,  
21 Pomerance, & Nye, LLP currently scheduled for December 14, 2007 at 10:00 a.m. in  
22 Courtroom 8 of this Court is continued to December 21, 2007 at 10:00 a.m. in  
23 Courtroom 8 of this Court.

24           B.     The date upon which Liberty must file and serve their Reply Brief to  
25 Largo's Opposition is extended to December 14, 2007.

26           C.     This Initial Case Management Conference currently scheduled for  
27 December 14, 2007 at 10:00 a.m. in Courtroom 8 of this Court is continued to December  
28 21, 2007 at 10:00 a.m. in Courtroom 8 of this Court.

1 IT IS SO STIPULATED.

2 DATED: November 20, 2007

ROXBOROUGH, POMERANCE & NYE LLP

3  
4 By:   
5 NICHOLAS P. ROXBOROUGH, ESQ.  
MICHAEL L. PHILLIPS, ESQ.  
6 Attorneys for Plaintiffs/Counter-Defendants,  
LARGO CONCRETE, INC. and N.M.N.  
7 CONSTRUCTION, Inc.

8 DATED: November 20, 2007

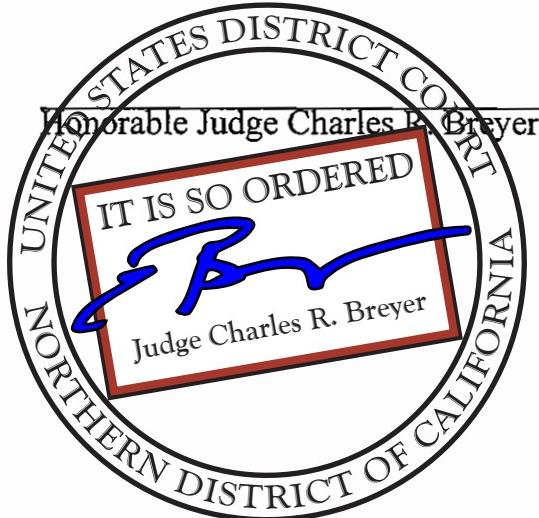
SHEPPARD, MULLIN, RICHTER &  
9 HAMPTON LLP

10 By:   
11 FRANK FALZETTA  
12 Attorneys for Defendant/Counter-Claimant  
LIBERTY MUTUAL FIRE INSURANCE  
COMPANY

13  
14 ORDER

15 PURSUANT TO STIPULATION, IT IS SO ORDERED

16 DATED: November 26, 2007



## **PROOF OF SERVICE**

STATE OF CALIFORNIA }  
COUNTY OF LOS ANGELES } SS

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 5820 Canoga Avenue, Suite 250, Woodland Hills, California 91367.

On November 20, 2007, I served the foregoing documents described as  
**STIPULATION AND NOTICE OF CONTINUED HEARING ON LIBERTY**  
**MUTUAL'S MOTION TO DISQUALIFY ROXBOROUGH, POMERANCE & NYE,**  
LLP on the interested party(ies) in this action by placing true copies thereof enclosed in  
sealed envelopes and/or packages addressed as follows:

Frank Falzetta, Esq.  
Scott Sveslosky, Esq.  
**SHEPPARD MULLIN RICHTER &  
HAMPTON LLP**  
333 South Hope Street, 48<sup>th</sup> Floor  
Los Angeles, CA 90071-1448  
Tel: (213) 620-1780 | Fax: (213) 620-1398  
Email: [ffalzetta@sheppardmullin.com](mailto:ffalzetta@sheppardmullin.com)  
[ssveslosky@sheppardmullin.com](mailto:ssveslosky@sheppardmullin.com)

**ATTORNEYS FOR DEFENDANT**  
**LIBERTY MUTUAL FIRE INSURANCE**  
**COMPANY**

- BY ELECTRONIC MAIL:** I caused such documents listed above to be transmitted via e-mail to each of the parties on the attached service list at the e-mail address as last given by that person on any document which he or she has filed in this action and served upon this office.

**BY PERSONAL SERVICE:** I caused such envelope(s) to be delivered by hand to the offices of the each addressee(s).

**FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on November 20, 2007, at Woodland Hills, California.

En Ram  
ELIA RAMIREZ